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Of Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

LEE TAYLOR,

Plaintiff,

v.

HOME DEPOT U.S.A., INC., a foreign corporation; and **WERNER CO.**, a foreign corporation,

Defendants.

Case No. 6:22-cv-00085

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. SECTION 1441(b)
(DIVERSITY)**

DEMAND FOR JURY TRIAL

Defendant Werner Co. respectfully gives notice of removal of the above-captioned action to this Court, upon the following bases:

1. On December 5, 2021, Plaintiff Lee Taylor filed his complaint (the "Complaint") in that certain lawsuit styled *Lee Taylor v. Home Depot U.S.A., Inc., et al.*, Marion County Circuit Court Case No. 21CV47760 (the "Underlying Action") against Home Depot U.S.A., Inc. and Werner Co. (collectively, "Defendants").

2. Plaintiff caused to be served upon Defendant Werner Co. a copy of a summons (the "Summons") and the Complaint via process server on December 20, 2021.

This service was Defendant's first receipt of an initial pleading in the Underlying Action showing a basis for removal. Fewer than thirty days have since elapsed.

3. Home Depot U.S.A., Inc. does not object to the removal of this matter.

4. In his Complaint, Plaintiff asserts two causes of action against Defendants for general negligence and products liability, arising out of injuries received from a ladder accident that allegedly occurred on December 21, 2019, in North Plains, Oregon. Plaintiff alleges Defendants manufactured and sold the ladder.

5. Plaintiff prays, in the Complaint, for recovery of non-economic damages in an amount not to exceed \$250,000; lost wages not to exceed \$100,000; past medical expenses not to exceed \$25,000; and future medical expenses not to exceed \$50,000, for a total of \$425,000. These claims exceed the minimum jurisdictional requirements.

6. Defendant Werner Co. was and is a corporation duly organized and existing by virtue of the laws of the State of Delaware with its principal place of business in the State of Illinois.

7. Defendant Home Depot U.S.A., Inc. was and is a corporation duly organized and existing by virtue of the laws of the State of Delaware with its principal place of business in the State of Georgia.

8. Based on information and belief, Plaintiff Lee Taylor was and is an individual residing in Oregon.

9. The Underlying Action is a civil action in which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, and this is one which may be removed to this Court by Defendants pursuant to 28 U.S.C. §§ 1441 and 1446 based upon this Court's diversity jurisdiction, for the following reasons:

(a) Plaintiff is a citizen of a different state than each Defendant because (1) Plaintiff Lee Taylor was and is a citizen of the State of Oregon; (2) Defendant

Werner Co. is a Delaware corporation with its principal place of business in Illinois; and (3) Defendant Home Depot U.S.A., Inc. is a Delaware corporation with its principal place of business in Georgia;

(b) Plaintiff alleges a civil action against Defendant Werner Co. and Defendant Home Depot U.S.A., Inc.;

(c) The matter in controversy is asserted by Plaintiff to exceed the sum or value of \$75,000; and

(d) Thirty days have not yet passed since Defendant Werner Co. was served with the Summons and Complaint in the Underlying Action.

10. Attached to this notice is a true and correct copy of the following documents, which comprise all the documents from the state court docket that were received by Defendant Werner Co. in the Underlying Action:

Exhibit A: The Summons directed to CT Corporation System, Registered Agent for Werner Co., and the Complaint.

Respectfully submitted this 18th day of January, 2022.

BODYFELT MOUNT LLP

BY: s/ Vicki M. Smith

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Of Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. SECTION 1441(b) (DIVERSITY)** on the following attorneys on the date noted below via the following method:

Andrew Schlesinger
The Gatti Law Firm
235 Front St., SE, Suite 200
Salem, OR 97301
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Of Attorneys for Plaintiff

Method: US Mail, postage prepaid
 Email – Courtesy Copy
 Facsimile
 Hand Delivery
 CM/ECF Electronic Service

Dated this 18th day of January, 2022.

BY: s/ Vicki M. Smith
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